

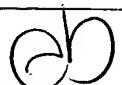


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| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO.    | CONFIRMATION NO. |
|--|-------------|----------------------|------------------------|------------------|
| 10/074,347   | 02/12/2002  | Charles E. Taylor    | SHPR-01028US5 SRM      | 6103             |
| 23910  | 7590        | 04/02/2004           | EXAMINER               |                  |
| FLIESLER MEYER, LLP<br>FOUR EMBARCADERO CENTER<br>SUITE 400<br>SAN FRANCISCO, CA 94111 |             |                      | MCDONALD, RODNEY GLENN |                  |
|  |             | ART UNIT             | PAPER NUMBER           |                  |
|  |             |                      | 1753                   |                  |
| DATE MAILED: 04/02/2004  |             |                      |                        |                  |

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                        |  |      |
|------------------------------|------------------------|--|------|
| <b>Office Action Summary</b> | <b>Application No.</b> | <b>Applicant(s)</b>  |      |
|                              | 10/074,347             | TAYLOR ET AL.<br> |      |
|                              | <b>Examiner</b>        | <b>Art Unit</b>  | 1753 |
|                              | Rodney G. McDonald     |  |      |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on \_\_\_\_.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-38 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_ is/are allowed.
- 6) Claim(s) 1-38 is/are rejected.
- 7) Claim(s) \_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

|   |  |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ . |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)              |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>2/03, 5/02</u> . | 6) <input type="checkbox"/> Other: ____ .  |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-19, 21-28 and 32-38 are rejected under 35 U.S.C. 102(b) as being anticipated by Okress (U.S. Pat. 3,374,941).

Okress teach an air transporter with a housing 12 having an air inlet 14 and an air outlet 16. Inlet 14 is covered by a louver 18 which is opaque to ultra-violet radiation. Similarly, ultra-violet radiation opaque louver 20 covers outlet 16. Accordingly, by virtue of the geometry of the louvers air can pass through blower 10, but ultra-violet radiation cannot pass from within housing 12. Within housing 12 is an ionizing means 20 and an accelerating means 22. Ionizing means 20 includes a source of ultraviolet radiation 24 operatively disposed with respect to a plurality of ionizing elements 26. Accelerating means 22 includes suitably biased ion collectors 26 which are shown as a plurality of parallel plates but could as well be a gridlike structure. Source 24 emits ultraviolet rays having a wavelength of preferably 2000 Angstroms or longer. (Column 2 lines 38-54) The ultraviolet rays produce negligible quantities of ions, ozone, or nitrogen oxides. The generated ions will destroy airborne bacteria or viruses. (Column 2 lines 58-61; Column 3 lines 3-4) In order to provide an efficient emitter of photoelectrons at the desired wavelength an ionizing element as shown in Fig. 1a can be employed. The element 26

includes a core 26a of copper. A flash coating 26c of gold of about one hundred atoms thick is deposited on coating 26b. (Column 3 lines 8-13) Since the photoelectrons from the composite emitter are influenced by an applied electric field, battery 32 or the like applies a negative potential to ionizing elements 26. Accordingly the electrons are repelled from the elements 26 and recombination is minimized. (Column 3 lines 20-24) In order to virtually assure that no positive ions move from the ionizing region, an ion filter grid 30 is maintained at a potential which is positive with respect to the elements 26. Therefore, only negative ions and electrons enter the transport region and are accelerated by accelerating means 22. (Column 3 lines 20-30) The directed movement of air in the transport region 32 is accomplished in the following manner: The collision cross section of the ions and the neutral gas molecules are comparable. Therefore, the ions transfer considerable directed momentum to the neutral molecules upon impact. The ions act like pistons in pushing or dragging the air forward from the ionizing means 20 to the ion collectors by ion collectors 28 and then through the latter. The ions are neutralized by ion collectors 28. In other words, the energy necessary to move the air is supplied by the electric field in the transport region. (Column 3 lines 31-41) If pulsed operation is desired switches 36 and 38 can be moved to their up positions to connect periodic potential sources 40 and 42 to the ionizing elements 26, ion filter grid 30 and ion collectors 28. (Column 3 lines 45-48)

The housing can be square as in Figure 5 or cylindrical as in Fig. 6. (Column 5 lines 28-30; Column 5 lines 34-35)

The Examiner believes that the apparatus can be oriented such that the lamps and ionizers can run vertically and parallel to each other or that the lamps and ionizers run horizontally and parallel to each other. The top and bottom apparatus being a selection.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1-19, 21-28 and 32-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Okress (U.S. Pat. 3,374,941).

Okress is discussed above and all is as applies above. (See Okress discussed above)

The differences between Okress and the present claims are that the elongated electrodes are not discussed and the upstanding or vertical louvers and electrodes are not discussed.

From Figs. 1 and 1a it appears Okress teach elongated round electrodes, elongated lamps, elongated planar plates and elongated louvers since the apparatus would exist in three dimension out of the plane of Fig. 1. (See Fig. 1)

From Fig. 1 it is believed that the apparatus could be oriented such that the elements would be either perpendicular to the plane of the paper or the apparatus could be oriented horizontal to the plane of the paper. (See Fig. 1)

The motivation for utilizing elongated electrodes and upstanding or vertical louvers is that it allows for an air blower that requires no moving parts in order to move air silently. (Column 1 lines 49-56)

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have utilized elongated electrodes and upstanding or vertical louvers and electrodes as taught by Okress because it allows for an air blower that requires no moving parts in order to move air silently.

Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Okress as applied to claims 1-19, 21-28 and 32-38 above, and further in view of Halloran (U.S. Pat. 3,744,216).

The difference not yet discussed is where the radiation bounds off a surface to alter the wavelength of radiation.

Halloran teach providing shields in an air treatment apparatus for directing ultraviolet rays. (Column 3 lines 33-39) Presumably the wavelength of light would be altered due to the reflection off the shield.

The motivation for utilizing a surface from which radiation can bound off of is that it allows for redirecting the radiation. (Column 3 lines 33-39)

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have utilized a surface for radiation to bound off of as taught by Halloran because it allows for redirecting radiation.

Claims 29-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Okress as applied to claims 1-19, 21-28 and 32-38 above, and further in view of Wang (U.S. Pat. 5,702,507) and Hsu (5,702,507).

The difference not yet discussed is the removability of the lamp and panels. Wang teach a removable panel 4 for allowing access to the center of the apparatus for allowing easy removal of the dust collecting plate, filter plate, and ozone tube. (See Abstract)

The motivation for providing a removable plate is that it allows for easy removal of the elements in the air cleaner. (See Abstract)

Hsu teach that inlet grate 16 and outlet grate 18 can be removed to allow access to the interior of an air cleaner. (Column 4 lines 8-17)

The motivation for providing removable inlets and outlets is that it allows access to the interior of an air cleaner. (Column 4 lines 8-17)

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have provided removable inlet and outlet grates as taught by Hsu and to have accessed the interior of the air cleaner as taught by Wang because it allows access to the interior for removal and cleaning of the elements therein.

### ***Double Patenting***

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 1-38 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-90 of copending Application No. 10/074,096. Although the conflicting claims are not identical, they are not patentably distinct from each other because claims 1-38 of Application 10/074,096 teach the claimed air-transporter conditioner having a housing, an air inlet, and air outlet, an ion generator, a germicidal device and louvers. The removable electrodes are taught. The vertically oriented electrodes and louvers are taught.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Claims 1-38 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-37 of U.S. Patent No. 6,544,485 in view of Okress (U.S. Pat. 3,374,941).

U.S. Pat. No. 6,544,485 teach an air transporter conditioner with a housing having an inlet port and outlet port, an electro-kinetic system (which presumably generates ions) and a germicidal ultraviolet lamp. The electrodes are elongated and presumably removable through the cylindrical housing. (See Claims 1-37)

The difference between U.S. Pat. 6,544,485 and the present claims is that the louvers are not discussed.

Okress discussed above teach utilizing louvers at the inlets and outlets of the apparatus for containing ultraviolet radiation in the housing. (See Okress discussed above)

The motivation for utilizing louvers at the inlets and outlets is that it contains the ultraviolet radiation in the housing. (See Okress discussed above)

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Taylor by utilizing louvers as taught by Okress because it allows for containing ultraviolet radiation in the housing.

Claims 1-38 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-14 of copending Application No. 10/074,379 in view of Okress (U.S. Pat. 3,374,941).

Application No. 10/074,379 teach an air transporter conditioner with a housing having an inlet port and outlet port, an ion generator and a germicidal ultraviolet lamp. The electrodes and lamp are elongated and removable along with the inlets and outlets. (See Claims 1-14)

The difference between Application 10/074,379 and the present claims is that the louvers are not discussed.

Okress discussed above teach utilizing louvers at the inlets and outlets of the apparatus for containing ultraviolet radiation in the housing. (See Okress discussed above)

The motivation for utilizing louvers at the inlets and outlets is that it contains the ultraviolet radiation in the housing. (See Okress discussed above)

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Application No. 10/074,379 by utilizing louvers as taught by Okress because it allows for containing ultraviolet radiation in the housing.

This is a provisional obviousness-type double patenting rejection.

Claims 1-38 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-18 of U.S. Patent No. 6,713,026 in view of Okress (U.S. Pat. 3,374,941).

U.S. Pat. No. 6,713,026 teach an air conditioning system with a housing, an inlet and an outlet. The system has an ion generating unit. The second electrode is removable. (See Claims 1-18)

The differences between U.S. Pat. 6,713,026 and the present claims are that the germicidal lamp is not discussed and the louvers at the inlet and outlet are not taught.

Okress teach utilizing a germicidal lamp. (Column 2 lines 48-50) Okress teach that the inlets and outlets of air conditioning devices have louvers which prevents ultraviolet radiation from passing out of the housing. (Column 2 lines 43-46)

The motivation for utilizing a germicidal lamp is that it assists in destroying airborne bacteria or viruses. (Column 3 lines 3-4) The motivation for utilizing louvers at the inlets and outlets is that it blocks radiation from leaving the apparatus. (Column 2 lines 43-46)

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Taylor et al. by utilizing a germicidal lamp and louvers at the inlet and outlet as taught by Okress because it allows for destroying airborne bacteria or viruses and blocks radiation from leaving the apparatus.

Claims 1-38 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-19 of copending Application No. 10/023,197 in view of Okress (U.S. Pat. 3,374,941).

Application No. 10/023,197 teach a housing with at least one vent (reads on an inlet and outlet as vents) and an ion generator.

The differences between Application No. 10/023,197 and the present claims are that the germicidal lamp is not discussed and the louvers at the inlet and outlet are not taught.

Okress teach utilizing a germicidal lamp. (Column 2 lines 48-50) Okress teach that the inlets and outlets of air conditioning devices have louvers which prevents ultraviolet radiation from passing out of the housing. (Column 2 lines 43-46)

The motivation for utilizing a germicidal lamp is that it assists in destroying airborne bacteria or viruses. (Column 3 lines 3-4) The motivation for utilizing louvers at the inlets and outlets is that it blocks radiation from leaving the apparatus. (Column 2 lines 43-46)

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Application No. 10/023,197 by utilizing a germicidal lamp and louvers at the inlet and outlet as taught by Okress because it allows for destroying airborne bacteria or viruses and blocks radiation from leaving the apparatus.

This is a provisional obviousness-type double patenting rejection.

Claims 1-38 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 25-118 of copending Application No. 10/023,460 in view of Okress (U.S. Pat. 3,374,941).

Application No. 10/023,460 teach a housing with an inlet and an outlet and an ion generator for cleaning air. (See Claims 25-118)

The differences between Application No. 10/023,460 and the present claims are that the germicidal lamp is not discussed and the louvers at the inlet and outlet are not taught.

Okress teach utilizing a germicidal lamp. (Column 2 lines 48-50) Okress teach that the inlets and outlets of air conditioning devices have louvers which prevents ultraviolet radiation from passing out of the housing. (Column 2 lines 43-46)

The motivation for utilizing a germicidal lamp is that it assists in destroying airborne bacteria or viruses. (Column 3 lines 3-4) The motivation for utilizing louvers at the inlets and outlets is that it blocks radiation from leaving the apparatus. (Column 2 lines 43-46)

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Application No. 10/023,460 by utilizing a germicidal lamp and louvers at the inlet and outlet as taught by Okress because it allows for destroying airborne bacteria or viruses and blocks radiation from leaving the apparatus.

This is a provisional obviousness-type double patenting rejection.

Claims 1-38 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 48, 49, 59-112 of copending Application No. 10/074,082 in view of Okress (U.S. Pat. 3,374,941).

Application No. 10/074,082 teach a device for conditioning air that includes a housing, an air inlet, an air outlet and an ion generator of first and second electrodes. The second electrode being removable. (See Claims 48, 49, 59-112)

The differences between Application No. 10/074,082 and the present claims are that the germicidal lamp is not discussed and the louvers at the inlet and outlet are not taught.

Okress teach utilizing a germicidal lamp. (Column 2 lines 48-50) Okress teach that the inlets and outlets of air conditioning devices have louvers which prevents ultraviolet radiation from passing out of the housing. (Column 2 lines 43-46)

The motivation for utilizing a germicidal lamp is that it assists in destroying airborne bacteria or viruses. (Column 3 lines 3-4) The motivation for utilizing louvers at the inlets and outlets is that it blocks radiation from leaving the apparatus. (Column 2 lines 43-46)

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Application No. 10/074,082 by utilizing a germicidal lamp and louvers at the inlet and outlet as taught by Okress because it allows for destroying airborne bacteria or viruses and blocks radiation from leaving the apparatus.

This is a provisional obviousness-type double patenting rejection.

Claims 1-38 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 11-28 of copending Application No. 10/074,103 in view of Okress (U.S. Pat. 3,374,941).

Application No.10/074,103 teach a device for conditioning air having a housing, an air inlet, an air outlet, and an ion generator comprised of first and second electrodes. (See Claims 11-28)

The differences between Application No. 10/074,103 and the present claims are that the germicidal lamp is not discussed and the louvers at the inlet and outlet are not taught.

Okress teach utilizing a germicidal lamp. (Column 2 lines 48-50) Okress teach that the inlets and outlets of air conditioning devices have louvers which prevents ultraviolet radiation from passing out of the housing. (Column 2 lines 43-46)

The motivation for utilizing a germicidal lamp is that it assists in destroying airborne bacteria or viruses. (Column 3 lines 3-4) The motivation for utilizing louvers at the inlets and outlets is that it blocks radiation from leaving the apparatus. (Column 2 lines 43-46)

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Application No. 10/074,103 by utilizing a germicidal lamp and louvers at the inlet and outlet as taught by Okress because it allows for destroying airborne bacteria or viruses and blocks radiation from leaving the apparatus.

This is a provisional obviousness-type double patenting rejection.

Claims 1-38 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 24-44 of copending Application No. 10/074,207 in view of Okress (U.S. Pat. 3,374,941).

Application No. 10/074,207 teach a device for conditioning air having a housing, an air inlet, an air outlet and an ion generator comprised of first and second electrodes. (See Claims 24-44)

The differences between Application No. 10/074,207 and the present claims are that the germicidal lamp is not discussed and the louvers at the inlet and outlet are not taught.

Okress teach utilizing a germicidal lamp. (Column 2 lines 48-50) Okress teach that the inlets and outlets of air conditioning devices have louvers which prevents ultraviolet radiation from passing out of the housing. (Column 2 lines 43-46)

The motivation for utilizing a germicidal lamp is that it assists in destroying airborne bacteria or viruses. (Column 3 lines 3-4) The motivation for utilizing louvers at the inlets and outlets is that it blocks radiation from leaving the apparatus. (Column 2 lines 43-46)

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Application No.10/074,207 by utilizing a germicidal lamp and louvers at the inlet and outlet as taught by Okress because it allows for destroying airborne bacteria or viruses and blocks radiation from leaving the apparatus.

This is a provisional obviousness-type double patenting rejection.

Claims 1-38 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 17-52 of copending Application No. 10/074,208 in view of Okress (U.S. Pat. 3,374,941).

Application No. 10/074,208 teach a device for conditioning air having a housing, an air inlet, an air outlet and an ion generator comprised of first and second electrodes. (See Claims 17-52)

The differences between Application No. 10/074,208 and the present claims are that the germicidal lamp is not discussed and the louvers at the inlet and outlet are not taught.

Okress teach utilizing a germicidal lamp. (Column 2 lines 48-50) Okress teach that the inlets and outlets of air conditioning devices have louvers which prevents ultraviolet radiation from passing out of the housing. (Column 2 lines 43-46)

The motivation for utilizing a germicidal lamp is that it assists in destroying airborne bacteria or viruses. (Column 3 lines 3-4) The motivation for utilizing louvers at the inlets and outlets is that it blocks radiation from leaving the apparatus. (Column 2 lines 43-46)

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Application No. 10/074,208 by utilizing a germicidal lamp and louvers at the inlet and outlet as taught by Okress because it allows for destroying airborne bacteria or viruses and blocks radiation from leaving the apparatus.

This is a provisional obviousness-type double patenting rejection.

Claims 1-38 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 58, 59, 61-82 of copending Application No. 10/074,209 in view of Okress (U.S. Pat. 3,374,941).

Application No. 10/074,209 teach a device for conditioning air having a housing, an air inlet, an air outlet and an ion generator comprised of first and second electrodes. (See Claims 58, 59, 61-82)

The differences between Application No. 10/074,209 and the present claims are that the germicidal lamp is not discussed and the louvers at the inlet and outlet are not taught.

Okress teach utilizing a germicidal lamp. (Column 2 lines 48-50) Okress teach that the inlets and outlets of air conditioning devices have louvers which prevents ultraviolet radiation from passing out of the housing. (Column 2 lines 43-46)

The motivation for utilizing a germicidal lamp is that it assists in destroying airborne bacteria or viruses. (Column 3 lines 3-4) The motivation for utilizing louvers at the inlets and outlets is that it blocks radiation from leaving the apparatus. (Column 2 lines 43-46)

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Application No. 10/074,209 by utilizing a germicidal lamp and louvers at the inlet and outlet as taught by Okress because it allows for destroying airborne bacteria or viruses and blocks radiation from leaving the apparatus.

This is a provisional obviousness-type double patenting rejection.

Claims 1-38 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 20, 21, 29-39 of copending Application No. 10/074,339 in view of Okress (U.S. Pat. 3,374,941).

Application No. 10/074,339 teach a device for conditioning air having a housing, an air inlet, an air outlet and an ion generator comprised of first and second electrodes. (See Claims 20, 21, 29-39)

The differences between Application No. 10/074,339 and the present claims are that the germicidal lamp is not discussed and the louvers at the inlet and outlet are not taught.

Okress teach utilizing a germicidal lamp. (Column 2 lines 48-50) Okress teach that the inlets and outlets of air conditioning devices have louvers which prevents ultraviolet radiation from passing out of the housing. (Column 2 lines 43-46)

The motivation for utilizing a germicidal lamp is that it assists in destroying airborne bacteria or viruses. (Column 3 lines 3-4) The motivation for utilizing louvers at the inlets and outlets is that it blocks radiation from leaving the apparatus. (Column 2 lines 43-46)

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Application No.10/074,339 by utilizing a germicidal lamp and louvers at the inlet and outlet as taught by Okress because it allows for destroying airborne bacteria or viruses and blocks radiation from leaving the apparatus.

This is a provisional obviousness-type double patenting rejection.

Claims 1-38 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-20 of copending U.S. 6,176,977 in view of Okress (U.S. Pat. 3,374,941).

U.S. Pat. 6,176,977 teach a device for conditioning air having a housing, an air inlet, an air outlet and an ion generator comprised of first and second electrodes. (See Claims 1-20)

The differences between U.S. Pat. 6,176,977 and the present claims are that the germicidal lamp is not discussed and the louvers at the inlet and outlet are not taught.

Okress teach utilizing a germicidal lamp. (Column 2 lines 48-50) Okress teach that the inlets and outlets of air conditioning devices have louvers which prevents ultraviolet radiation from passing out of the housing. (Column 2 lines 43-46)

The motivation for utilizing a germicidal lamp is that it assists in destroying airborne bacteria or viruses. (Column 3 lines 3-4) The motivation for utilizing louvers at the inlets and outlets is that it blocks radiation from leaving the apparatus. (Column 2 lines 43-46)

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified U.S. Pat. 6,176,977 by utilizing a germicidal lamp and louvers at the inlet and outlet as taught by Okress because it allows for destroying airborne bacteria or viruses and blocks radiation from leaving the apparatus.

This is a provisional obviousness-type double patenting rejection.

Claims 1-38 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-30 of copending U.S. 6,163,098 in view of Okress (U.S. Pat. 3,374,941).

U.S. Pat. 6,163,098 teach a device for conditioning air having a housing, at least one vent, and an ion generator comprised of first and second electrodes. (See Claims 1-20)

The differences between U.S. Pat. 6,163,098 and the present claims are that the germicidal lamp is not discussed and the louvers at the inlet and outlet are not taught.

Okress teach utilizing a germicidal lamp. (Column 2 lines 48-50) Okress teach that the inlets and outlets of air conditioning devices have louvers which prevents ultraviolet radiation from passing out of the housing. (Column 2 lines 43-46)

The motivation for utilizing a germicidal lamp is that it assists in destroying airborne bacteria or viruses. (Column 3 lines 3-4) The motivation for utilizing louvers at the inlets and outlets is that it blocks radiation from leaving the apparatus. (Column 2 lines 43-46)

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified U.S. Pat. 6,163,098 by utilizing a germicidal lamp and louvers at the inlet and outlet as taught by Okress because it allows for destroying airborne bacteria or viruses and blocks radiation from leaving the apparatus.

This is a provisional obviousness-type double patenting rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rodney G. McDonald whose telephone number is 571-272-1340. The examiner can normally be reached on M- Th with Every other Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nam X. Nguyen can be reached on 571-272-1342. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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March 30, 2004